

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA**

PRISM TECHNOLOGIES LLC,

Plaintiff,

v.

SPRINT SPECTRUM L.P. D/B/A SPRINT PCS

Defendant.

Civil Action No. 8:12-cv-123-LES-TDT

STIPULATION ON JOINT NOTICE OF AGREEMENTS ON MOTIONS *IN LIMINE*

1. Neither party may refer to any fee arrangement or interest in the litigation held by Kramer Levin Naftalis & Frankel LLP or Bentham Capital.
2. Sprint may not argue that Sprint does not infringe because the claims are allegedly invalid.
3. Neither party may make disparaging remarks or references to the patent system or patents.
4. Sprint may not make any reference regarding any motives for filing the current (and related) actions.
5. Sprint may not rely on declarations and/or affidavits served after the close of fact discovery, including JDG_PRISM_INV_0022640 - JDG_PRISM_INV_0026487, except for purposes of authentication.
6. Sprint may not disparage Prism as a “patent troll” or non-practicing entity. The parties may, however, refer to Prism’s origins as a practicing company and to the fact that Prism is no longer a practicing company.

7. Sprint may not argue that Prism has committed inequitable conduct as Sprint has not asserted inequitable conduct as a defense. Sprint may argue that certain references were not of record during prosecution before the Patent Office.

8. Sprint may not argue that Prism is trying to prevent or interfere with Sprint's customers receiving data services, as Prism does not seek an injunction.

9. Sprint cannot present an argument that, because an unasserted claim was rejected by the PTO during examination, one or more asserted claim(s) would also be invalid. This does not preclude Sprint from referencing the prosecution history of the asserted claims.

10. The parties will not offer testimony, other evidence, or argument regarding any witness's race, nationality, religion, origin, color, creed, gender, or ethnicity.

11. The parties will not offer testimony, other evidence, or argument contradicting the claim constructions set forth by the Court in the Claim Construction Order. (ECF No. 133).

12. The parties will not offer testimony, other evidence, or argument regarding any of Prism's unasserted claims.

13. The parties will not offer testimony, other evidence, or argument regarding a witness's or a party's charity work.

14. Sprint may not present argument that the CDPD Book was publicly available prior to June 11, 1996.

15. Sprint's damages expert, Scott D. Hampton, may not present trial testimony or an opinion regarding the use of microwave as a non-infringing alternative because such an opinion was not disclosed in his expert report.

16. Sprint may not introduce any argument, testimony, evidence or expert opinion that a damages award may increase the price of Sprint's wireless data services, put Sprint out of business, cause jobs to be lost or negatively impact the quality and/or price of Sprint's wireless data services.

17. Sprint may not present evidence from third-party fact witness Mark Morscher that exceeds the scope of the Court's Order (ECF No. 209), including testimony regarding the CompuServe RPA prior art outside of any contribution by Mr. Morscher to the '416 patent.

18. Other than for cross-examination and/or impeachment purposes, the parties will not offer testimony, other evidence or argument regarding any article, website, or publication not produced to the opposing party or specifically referenced in an expert report.

19. Prism will not offer testimony, other evidence or argument regarding trace routes of Sprint's network. Prism may respond to any testimony, evidence and argument introduced by Sprint regarding trace routes.

20. The parties will not offer testimony, other evidence, or argument regarding K&L Gates LLP's retention of Mr. James E. Malackowski as an expert in any case.

21. The parties will not offer testimony, other evidence, or argument regarding Internet Patent Corporation's retention of Sidley Austin LLP as outside legal counsel.

22. The parties will not offer testimony, other evidence, or argument regarding Sprint's investors, including Softbank's ownership interests in Sprint.

23. Prism will not offer testimony, other evidence, or argument regarding Sprint's "deep pockets" or size (e.g., "huge," "giant," or "large").

24. Neither party's fact witnesses will offer expert testimony under F.R.E. 702. The parties may offer fact testimony under F.R.E. 701.

25. The parties will not offer testimony, other evidence, or argument regarding the other party's decision not to call a particular witness who that party does not control at trial. Prism reserves its right to present such testimony, evidence and argument if Sprint introduces evidence relating to Mark Morscher without calling him as a witness.

26. The parties will not offer testimony, other evidence, or argument regarding the other party's failure to call any senior executives as a witness or have them present at trial.

27. The parties will not offer testimony, other evidence, or argument regarding the opposing party's failure to have any other entity appear at trial or call any witness from any other -related entity.

28. The parties will not offer testimony, other evidence, or argument regarding any pending patent applications, continuations, divisionals, or continuation-in-part applications from the patents-in-suit.

29. Prism will not offer testimony, other evidence, or argument regarding any presumption of validity of any claim of the patents-in-suit.

30. Prism will not refer to or offer testimony, other evidence, or argument that the patents-in-suit are necessary or essential to comply with an industry standard.

31. Prism will not refer to or offer testimony, other evidence, or argument that Sprint was aware, had notice of, or knowledge of the patents-in-suit before Prism filed this case.

32. Prism will not offer testimony, other evidence, or argument regarding any alleged lack of opinion of counsel in support of willfulness or any other issue.

33. Prism will not offer testimony, other evidence, or argument suggesting that Sprint had copied the invention described in the claims of the patents-in-suit.

Dated: May 1, 2015

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CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on this 1st day of May 2015.

s/ Cristina Martinez
Cristina Martinez